

- - - - - : 05 Civ. 8453 (RJS) (JCF)

TARASIK ABDELL, et al.,

Plaintiffs,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

- - - - - : 05 Civ. 9484 (RJS) (JCF)

Plaintiffs,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.

- - - - - :
JAMES C. FRANCIS IV

UNITED STATES MAGISTRATE JUDGE

O R D E R

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DATE FILED: 12/19/07

Defendants having sought sanctions for the failure of various plaintiffs to produce releases for records concerning arrests other than their arrests at the Republican National Convention, it is hereby ORDERED as follows:

1. The false arrest claims of the following plaintiffs are dismissed with prejudice: Kathleen Burick, Steven Eckberg, John Theodore Glick, Brian Kavanagh, Ed Kinane, John M. Miller, Zach Goldstein, and Brian Hurley. These plaintiffs were on notice of their obligations on the basis of prior orders in these and related RNC cases, but they specifically declined to produce the requested releases. (See Letter of Michael L. Spiegel dated Oct. 26, 2007 ("Spiegel 10/26/07 Letter")).

2. The mental and emotional distress claims of the following

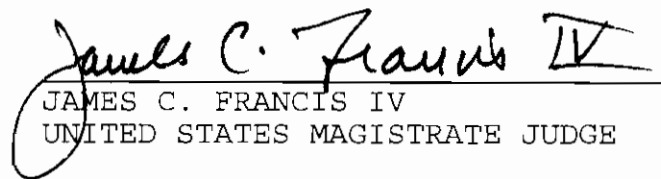
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plaintiffs are dismissed with prejudice: Oren Goldenberg, Roger Hill, Ryan Hottle, Jared Lanctot, Nathaniel Parry, Raymond Robinson, and Chris Agnese. These plaintiffs also refused to provide the required releases, but the arrests in question were not demonstration-related and therefore are relevant only to damages. (See Spiegel 10/26/07 Letter; Letter of Michael L. Spiegel dated Nov. 12, 2007 at 2; Letter of Jeffrey A. Dougherty dated Nov. 30, 2007 at 4-8).

3. Lambert Rochfort shall produce the requested releases by December 31, 2007, failing which his false arrest claims shall be dismissed.

4. Charles Goldberg, David Maddox, Edward Codel, and Daniel Zarrella shall produce the requested releases by December 31, 2007, failing which their claims of mental and emotional distress shall be dismissed.

5. Daniel Burns, Rue Sakayama, Rebecca Wood, David Zalk, and Mark Colville (as well as Lambert Rochfort, David Maddox, Edward Codel, and Daniel Zarrella, if they provide releases as directed above) shall appear by January 31, 2008 for continued depositions limited to inquiries concerning belatedly-produced arrest information. Defendants' application to shift the costs, including attorneys' fees, of these depositions is denied without prejudice to renewal upon a showing of the significance of the information elicited.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
December 19, 2007

Copies mailed this date:

Michael L. Spiegel, Esq.
111 Broadway, Suite 1305
New York, New York 10006

Jeffrey A. Dougherty, Esq.
Assistant Corporation Counsel
100 Church Street
New York, New York 10007